IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

PUBLIC INTEREST LITIGATION NO. 46 OF 2006.

MR. AJAY S. VAISHAMPAYAN & ANR. ... PETITIONERS.

VS.

MUNICIPAL CORPORATION OF THE CITY OF PUNE AND ANR. ... RESPONDENTS.

MR. R.M.PETHE FOR THEK PETITIONERS.

MR. V.P.MALWANKAR AGP FOR RESPONDENT NO.23.

MR. S.D.SHINDE H/F.R.G.KETKAR FOR RESPONDENT NO.6.

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CORAM : J.N.Patel and A.A.Sayed, JJ.

DATE : September 5, 2007.

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P.C.

1. Leave granted to substitute Exhibit "A" and "B", annexed to the Petition by the Act and Rules, applicable to Pune Municipal Council. Leave to amend is granted. Necessary amendments be carried out forthwith.

2. The Petitioner has approached this Court with a grievance that the Respondent- Municipal Council is

planning to utilise the funds for different purposes other than originally provided in the budget, which is not permissible under the Pune Municipal Corporation Act and Bombay Provincial Municipal Corporation Act of 1949.

3. The Petitioner is directed to approach the Competent Authority with his grievance and in case, the Authority fails to take any cognizance of his complaint, then and then only he can approach the Court and invoke its Extra Ordinary Jurisdiction.

4. We therefore, dispose of this petition with liberty to the Petitioner to approach the Competent Authority in the matter.

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[J.N.Patel, J.]

[A.A.Sayed, J.]